



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON PC
PO BOX 1022
MINNEAPOLIS MN 55440-1022

FAX RECEIVED

MAY 25 2005

OFFICE OF PETITIONS

In re Reissue Application of
Sanford Cobb
Application No. 10/616,529
Filed: July 10, 2003
Attorney Docket No. 15518-001001

:
:
: DECISION DISMISSING PETITION
:
:

This is a decision on the "PETITION TO GRANT FILING DATE", filed August 23, 2004, which is being treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of July 10, 2003.

The petition is **DISMISSED**.

Petitioner is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.53". **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

Application papers in the above-identified application were deposited on July 10, 2003. However, on July 13, 2004, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete Reissue Application", notifying that the application papers had not been accorded a filing date because the specification, claims, and drawings were missing.

In response, applicant filed the present petition on August 23, 2004. Petitioners allege that the application as filed was complete. In support, petitioner has submitted a postcard receipt, itemizing "3 pages of specification, 6 page of claims" and "Drawings (4 sheets) as enclosed, and bearing a USPTO date stamp of July 10, 2003. In addition, petitioner states that he has enclosed copies of the papers filed on July 10, 2003.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.¹

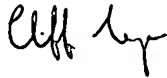
However, while petitioner's postcard receipt does properly itemize the application papers, petitioner has not supplied the Office with the copies of the papers stated to have been missing in the "Notice of Incomplete Reissue Application" (specification, including claims and abstract, and 4 sheets of drawings).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (703) 872-9306
 Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

¹ MPEP 503.